

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CITY OF CLEVELAND, OHIO,)	CASE NO. 1:05CV557
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	
)	<u>ORDER</u>
THE VICTORY WHITE METAL CO.,)	
)	
Defendants.)	

CHRISTOPHER A. BOYKO, J.:

This matter comes before the Court upon the Motion (ECF DKT #10) of Defendants, Victory White Metal and Joseph Sturman, to Stay Proceedings and the Motion (ECF DKT #12) of Defendants, Victory White Metal and Joseph Sturman, to Transfer. For the reasons that follow, the Motion to Transfer is denied and the Motion to Stay is denied as moot.

A review of the criminal and civil dockets reveals that all related criminal proceedings have been terminated; and that Judge Patricia Gaughan has not consented to the transfer of these related civil proceedings under Local Rule 3.1. Therefore, the Motion to Transfer is denied.

A further review of the docket demonstrates that service has been perfected on

Defendants, Toni R. Gore, Norman L. Gore, and Samuel Petrony. These Defendants have not filed an answer, motion or other responsive pleading. Plaintiff, City of Cleveland, shall make its application for the Clerk's entry of default on or before September 28, 2006, or the Complaint will be dismissed without prejudice for want of prosecution as to those Defendants.

The above-captioned case is set for a Status Conference on November 1, 2006 at 10:00 a.m. Defendants' Motion to Stay Proceedings is denied as moot.

IT IS SO ORDERED.

DATE: August 28, 2006

s/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge